

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

TAMMY L. TURNER, L.P.N.
License # 26NP05825300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tammy L. Turner ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 12, 2012, the Board issued a letter of inquiry asking Respondent, inter alia, to provide information concerning an arrest on December 5, 2012 on charges of employing a juvenile in the commission of a crime (shoplifting), and documentation of continuing education completed during the last three years.
3. Respondent replied to the letter of inquiry via her attorney, who provided a copy of the complaint, as requested in the letter of inquiry, but did not provide documentation of any continuing education. Although the attorney's letter indicated that

he would keep the Board advised of additional developments, no further communications were received.

4. Respondent indicated on her 2012 and 2014 renewal applications that she would have completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012, and for the June 1, 2012 – May 31, 2014 renewal period by May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to provide a complete response to the Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to provide documentation of completion of continuing education requirements for the June 1, 2010 – May 31, 2012 licensing cycle is interpreted as constituting a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2012 renewal application that she would complete all required continuing education by May 31, 2012 is interpreted as constituting misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and seven hundred and fifty dollars (\$750) in civil penalties was entered on August 15, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to

finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline by responding to the Board's letter of inquiry and providing certificates of completion for 60 hours of continuing education belatedly completed in August 2014. Regarding the arrest for shoplifting with her daughter, Respondent was admitted into Pre-Trial Intervention and the matter was ultimately dismissed. Regarding continuing education, Respondent was unable to provide any documentation of continuing education timely completed within the two previous biennial periods. Respondent maintained that she was unaware that the Board had asked for the documentation because her attorney had failed to convey the information to her. Regardless of what her attorney did or did not convey to her, the Board's letter of inquiry, which was received by Respondent and presumably turned over to her attorney, clearly requested documentation of continuing education for the three years prior to December 2012.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested and cured the

continuing education deficiencies of the two previous biennial periods, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to fully respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, the Board determined that Respondent's failure to timely complete continuing education warrants a two hundred and fifty dollar (\$250) civil penalty and that the misrepresentation on her renewal application warrants a reprimand.

Of the 60 hours of continuing education belatedly completed in August 2014, Respondent can apply 30 hours to cure the deficiency of the June 1, 2010 – May 31, 2012 biennial period and 30 hours to cure the deficiency of the June 1, 2012 – May 31, 2014 biennial period. As the 60 hours were used to cure previous deficiencies, they cannot be used to satisfy the requirements of the current biennial period.

ACCORDINGLY, IT IS on this 1st day of December, 2014,

ORDERED that:

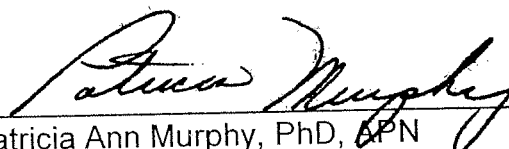
1. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).
2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3, as well as a two hundred and fifty dollar (\$250) civil penalty for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert,

Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2014 and applied to cure the deficiency of previous biennial renewal periods (the 60 hours completed in August 2014) shall not be used to satisfy the requirements of the current biennial renewal period of June 1, 2014 – May 31, 2016. Respondent shall complete another 30 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APRN
Board President